

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 25, 2002

ALL-COUNTY LETTER NO. 02-56

**REASON FOR TRANSMITTAL**

- ( ) State Law Change
- ( ) Federal Law or Regulation Change
- (X) Court Order or Settlement Agreement
- ( ) Clarification Requested by One or More Counties
- ( ) Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS  
ALL PUBLIC ADOPTION AGENCIES  
ALL CDSS ADOPTIONS DISTRICT OFFICES

SUBJECT: **DOLORES YARBROUGH v. RITA SAENZ AND CALIFORNIA DEPARTMENT OF SOCIAL SERVICES**

The purpose of this All County Letter (ACL) is to notify you of the settlement in Dolores Yarbrough v. Rita Saenz (Ventura County Superior Court, Case No. CIV196979). The settlement reached by the California Department of Social Services and the plaintiff affects the manner in which the Adoption Assistance Program (AAP) for federally eligible children is administered in California.

According to the terms of the settlement, the Department and counties will immediately:

1. Cease considering Supplemental Security Income (SSI) as unearned income for children who are receiving federal Title IV-E AAP benefits.

For federally eligible children who are currently receiving an AAP benefit that was adjusted by their SSI grant, at the time of the next scheduled reassessment the adoption agency must recalculate the maximum available AAP benefit without considering the SSI as unearned income. The adoption agency should advise families that they may apply to receive the new maximum AAP benefit available. The adoption agency should also advise families that the federal Social Security Administration (SSA) might deduct the AAP benefit from their child's SSI grant.

2. Inform families that they must report to the SSA any AAP benefits received on behalf of their federally eligible adopted child. The adoption agency should advise adoptive parents that the SSA might deduct the AAP benefit from their child's SSI grant.

The Department will amend the AAP regulations to reflect these changes. Please take all necessary action as of the date of this letter to ensure that your agency is complying with the requirements outlined above.

All-County Information Notice I-47-96 (ACIN) (issued September 6, 1996) addressed the interrelationship between SSI grants and AAP benefits. To the extent that the ACIN discussed federal AAP cases, it is superseded by this ACL.

If you have any questions regarding this matter, please contact the Funding and Transitional Youth Programs Bureau at (916) 324-5809.

Sincerely,

**ORIGINAL DOCUMENT SIGNED BY**

SYLVIA PIZZINI  
Deputy Director  
Children and Family Services Division

c: CWDA